



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, APRIL 18, 2007

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTION

Group Study Exchange Team from Buenos Aires
Mayor Tate

PROCLAMATIONS

Alcohol Awareness Month
Francisco Dominguez

Public Safety Day
Bruce Cumming

National Architecture Week
Leslie Miles

National Library Week
Rosanne Macek
Emily Shem-Tov

RECOGNITIONS

CITY COUNCIL REPORTS

Council Member Lee

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

City Treasurer's Quarterly Report
City Treasurer Roorda

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-7 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
1.	<u>NEW LIBRARY PROJECT – MARCH CONSTRUCTION PROGRESS REPORT</u>..... <u>Recommended Action(s):</u> <u>Information</u> Only.	1
2.	<u>MARCH 2007 FINANCE & INVESTMENT REPORT – CITY</u>..... <u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> Report.	7
3.	<u>AUTHORITY TO SIGN BELOW MARKET RATE (BMR) PROGRAM DOCUMENTS</u> <u>Recommended Action(s):</u> <u>Authorize</u> the Assistant to the City Manager to Execute Certain Standard Agreements and Other Documents Relating to the BMR Program; Subject to Review and Approval by the City Attorney.	35
4.	<u>CO-SPONSORSHIP OF VOLUNTEERS FOR OUTDOOR CALIFORNIA TRAIL-BUILDING PROJECT</u> <u>Recommended Action(s):</u> <u>Cosponsor</u> the Event.	37
5.	<u>COYOTE VALLEY SPECIFIC PLAN – ENVIRONMENTAL IMPACT REPORT (EIR) REVIEW PROCESS</u> <u>Recommended Action(s):</u> <u>Approve</u> Process by Minute Action.	39
6.	<u>AGREEMENT WITH CSG CONSULTANTS INC. FOR BUILDING DIVISION IN-HOUSE PLAN CHECK AND RELATED SERVICES</u>..... <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager, Subject to Review and Approval by the City Attorney, to Execute the Agreement with CSG Consultants Inc.	41
7.	<u>APPROVE JOINT CITY COUNCIL SPECIAL MEETING AND LIBRARY CULTURE & ARTS COMMISSION SPECIAL MEETING OF APRIL 4, 2007</u>.....	49

City Council Action

CONSENT CALENDAR:

ITEM 8

Time Estimate
Consent Calendar: 1 - 10 Minutes Page

8. ADOPT ORDINANCE NO. 1823, NEW SERIES51
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1823, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 18.50.027 BY EXTENDING THE SUNSET DATE FOR THE EXEMPTION FOR ON-SITE PARKING REQUIREMENTS FOR COMMERCIAL/OFFICE USES WITHIN THE DOWNTOWN AREA. (ZA 07-04: CITY OF MORGAN HILL – DOWNTOWN PARKING EXEMPTION)**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 9

Time Estimate
Consent Calendar: 1 - 10 Minutes Page

9. MARCH 2007 FINANCE & INVESTMENT REPORT – RDA 57

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 10-12

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Consent Calendar: 1 - 10 Minutes Page

10. GRANADA THEATER 67
Recommended Action(s): Adopt Recommendations by the Council Community and Economic Development Committee for the Redevelopment of the Granada Theater as a Community Asset.
11. APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 28, 2007 69
Recommended Action(s): Approve the Minutes as Submitted.
12. APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 4, 2007 85

City Council Action

PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
13.	15 Minutes	<u>CONSIDERATION OF EXTENDING MEDICINAL MARIJUANA DISPENSARY MORATORIUM</u>	111
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Extend</u> the Ordinance Prohibiting the Issuance of Permits, Entitlements, Licenses or any other Approvals for Medicinal Marijuana Dispensaries in the City of Morgan Hill for 10 Months and 15 Days. (Requires a Four-Fifths Vote)	
14.	30 Minutes	<u>AMENDMENTS TO DEVELOPMENT AGREEMENTS FOR ELEVEN (11) RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) PROJECTS</u>	127
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Each Ordinance.	
		Action- <u>Motion to Introduce</u> Ordinances by Title Only for Amendments A – K. (Roll Call Vote)	
A.)		<u>MP-03-04: COCHRANE-BORELLO</u>	131
		Approval of an Amendment to the Development Agreement for a 15-Unit Single Family Residential Development, Amending Exhibit B to Allow a Four-Month Extension of Time for the Fiscal Year 2006-2007 Building Allotments (7 Units), Extending Fiscal Year 2006-2007 Allotments to October 30, 2007.	
B.)		<u>MC-04-26: COCHRANE-MISSION RANCH</u>	135
		Approval of Amendment to the Development Agreement for a 48-Unit Single-Family Residential Development, Amending Exhibit B to Allow a Four-Month Extension of Time for the Fiscal Year 2006-2007 Allotments Construction Deadline (Extending to October 30, 2007 for 18 Units) and Adding a June 30, 2010 Deadline for the Fiscal Year 2009-2010 Building Allotment (15 Units).	
C.)		<u>MC-04-25: COCHRANE-LUPINE</u>	139
		Approval of an Amended Development Agreement for 36 Units (Phases 3B, 4 & 5) in an Overall 92-Unit Single Family Residential Development, Amending Exhibit B to Allow a Six Month Extension for the Fiscal Year 2006-2007 Building Allotment, Extending to December 30, 2007.	
D.)		<u>MC-04-19: EAST MAIN-MARRAD/SAN SAVIGNO</u>	143
		Approval of a Development Agreement Amendment for a 26-Unit Single-Family Residential Development, Amending Exhibit B to Allow a Four-Month Extension of Time for the Fiscal Year 2006-2007 Building Allotments (13 Units To October 31, 2007), and Two-Month Extensions of Time for the Fiscal Years 2007-2008 (5 Units to June 30, 2008) and 2008-2009 (8 Units To June 30, 2009) Building Allotments. Also, Amendments to Paragraph 14 of the Development Agreement to Clarify per Unit Costs and Include Commitments for the Fiscal Year 2009-2010 Allocations with Respect to the Payment of Fees, Phasing of Park and Recreation Amenities and Provision of Below Market Rate Units, with a June 30, 2010 Deadline.	

PUBLIC HEARINGS:

Time Estimate

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- E.) MP-02-03: TILTON-GLENROCK151**
Approval of Amended Development Agreement for an 81-Unit Single-Family Multi-Family Residential Development, to Remove the Application Filing Deadlines and Retain the Currently Approved Commencement of Construction Dates.
- F.) MMP-03-01: NATIVE DANCER-QUAIL MEADOWS159**
Approval of Amended Development Agreement for a Six-Unit, Custom Single-Family Residential Development, Amending Exhibit B to Allow a One-Year Extension of Time for Two of the Four Custom Lots, Extending the Fiscal Year 2005-2006 Allotment to June 30, 2009.
- G.) MC-04-22: JARVIS-SOUTH VALLEY DEVELOPERS/MADRONE PLAZA163**
Approval of a Development Agreement Amendment for a 78-Unit Multi-Family Residential Development, Amending Exhibit B to Allow a Six-Month Extension of Time for the Fiscal Year 2006-2007 Building Allotments (36 Units To December 31, 2007) and Six-Month Extension for the Fiscal Year 2007-2008 Allotment (13 Units To 10-30-08).
- H.) MC-05-02: JARVIS-SOUTH COUNTY HOUSING/MADRONE PLAZA167**
Approval of an Amended Development Agreement for a 95-Unit Multi-Family Residential Development, Amending Exhibit B to Allow a Six-Month Extension of Time for the Fiscal Year 2007-2008 Allotment (54 Units to October 30, 2008) and a Six-Month Extension of Time for the Fiscal Year 2008-2009 Building Allotment (41 Units to October 30, 2009).
- I.) MMC-04-07: GINGER-CUSTOM ONE171**
Approval of a Development Agreement Amendment for a Five-Unit Single-Family Residential Development, Amending Exhibit B to Allow a Eight-Month Extension of Time of the Residential Building Allotment, Extending the Fiscal Year 2006-2007 Allotment to February 29, 2008.
- J.) MMC-04-06: SAN PEDRO-AHMADI177**
Approval of a Development Agreement Amendment for a 3-Unit Multi-Family Residential Development to Allow a Two-Month Extension of Time of the Residential Building Allotment, Amending Exhibit B to Extend the Fiscal Year 2006-2007 Allotment to August 30, 2007.
- K.) MMC-04-05: DEL MONTE-GIOVANNI183**
Approval of a Development Agreement Amendment for a Six-Unit Multi-Family Residential Development, Amending Exhibit B to Allow a Six-Month Extension of Time of the Building Allotment, Extending the Fiscal Year 2006-2007 Allotment to December 30, 2007.

Redevelopment Agency Action

PUBLIC HEARINGS:

	Time Estimate		Page
15.	10 Minutes	<u>CALIFORNIA YOUTH SOCCER ASSOCIATION (CYSA) OPERATING LEASE OF GRASS FIELDS AT OUTDOOR SPORTS CENTER</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed RDA Board Discussion. Action- <u>Authorize</u> the Executive Director to Execute the Lease Agreement with Youth Soccer Association for the operations and Maintenance of the Grass Fields at the Center; Subject to Review and Approval by the Agency Counsel.	187

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
16.	10 Minutes	<u>POLICIES AND PROCEDURES FOR IMPLEMENTATION OF MEASURE F: 100 DOWNTOWN HOUSING ALLOTMENTS</u> <u>Recommended Action(s):</u> <u>Adopt</u> Resolution Approving Policies and Establishing Procedures for Implementing Measure F through a Competition.	205
17.	10 Minutes	<u>ADOPT ORDINANCE NO. 1822, NEW SERIES</u> <u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution Acknowledging Receipt of Correspondence from Joshua Safran, Attorney for DeRose Development LLC, and Providing an Analysis and Response to the Correspondence; and 2. <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1822, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING CHAPTER 18.76 (SIGN CODE) BY MODIFYING THE ELIGIBILITY REQUIREMENTS FOR FREEWAY SIGNS AND ESTABLISHING A PROCESS TO ALLOW AN OFF-SITE BUSINESS TO BE LOCATED ON A FREESTANDING MONUMENT SIGN. (ZA 07-03: CITY OF MORGAN HILL – OFF-SITE SIGNS)	231

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Authority: Government Code 54956.8
Real Property Involved: 95 East Third Street (APN 726-14-001)
Negotiating Parties:
 For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of
 Business Assistance & Housing Services
 For Property Owners: Llagas Valley Investments, LLC/Depot Center Inc.
 Closed Session Topic: Acquisition of Real Property

City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 1

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.